In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.1266 of 2007.

Date of decision:20.3.2007.

Rakesh Kumar.

...Petitioner.

Versus

Smt. Krishna Devi.

...Respondent.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present; Mrs.Ekta Thakur Advocate for the petitioner.

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Judgment.

S. N. Aggarwal, J.

The petitioner is the tenant under the respondent. An ejectment petition was filed against the petitioner by the respondent on the ground of personal necessity amongst other grounds. The ejectment order was passed against the petitioner by the learned Rent Controller on 4.6.2006.

The petitioner filed an appeal i.e. appeal No.17 of 28.7.2003.

During the pendency of appeal, the petitioner filed an application under Order 6 Rule 17 CPC for amendment in the written statement. It was opposed by the respondent.

The learned trial Court vide impugned order dated 24.1.2007 dismissed the application for amendment filed by the petitioner.

Hence, the petition.

The submission of learned counsel for the petitioner was that through amendment application, the petitioner wants to take up the plea that the husband of respondent-landlord has shifted his business. Earlier, he was running the business of Cycle and Rickshaw repair in booth No.346, Sector 20-B, Chandigarh but now he is running the business of Electronics under the name and style of S.K.Electricals. Hence, the personal necessity of the respondent has come to an end.

This submission has been considered. It has no merit.

The ejectment of the petitioner was sought by the respondent on the plea that her son was to start the business of Cycle and Rickshaw repair. Therefore, even if her husband has changed his business,it does not affect the ground of ejectment pleaded by the respondent. It was further pleaded that the son of the respondent is running taxi business. It is not stated any where in the application for amendment as to when the taxi was purchased by the son of the respondent nor any registration certificate of the taxi was produced along with the application for amendment. It, appears, therefore, that the application for amendment was moved by the petitioner without any basis and only with a view to avoid the ejectment order dated 4.6.2003 passed against him by the Rent Controller. The learned Lower Appellate Court has rightly dismissed the application for amendment which does not call for any interference.

No merit.

Dismissed.

March 20,2007. (S. N. Aggarwal)
Jaggi Judge